

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LOVELL SIMMS,

Plaintiff,

CIVIL ACTION NO. 06-14892

vs.

DISTRICT JUDGE NANCY G. EDMUNDS

COMMISSIONER OF
SOCIAL SECURITY

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendant.

_____ /

**ORDER DENYING PLAINTIFF'S APPLICATION
FOR APPOINTMENT OF COUNSEL**

Before this Court is Plaintiff's Application for Appointment of Counsel. This case was referred to the undersigned on January 21, 2007 for All Pretrial Proceedings. Plaintiff's Application for Appointment of Counsel is before the court.

The Constitution of the United States does not require the automatic appointment of counsel for indigents in civil cases. Appointment of counsel in a civil proceeding is not a constitutional right and is justified only in exceptional circumstances. *Lanier v. Bryant*, 332 F.2d 999, 1006 (6th Cir. 2003); *Lavado v. Keohane*, 992 F.2d 601, 605-6 (6th Cir 1993). To determine whether exceptional circumstances justifying the appointment of counsel exist, courts consider the type of case and the ability of the plaintiff to represent himself. *Lanier*, 332 F.2d at 1006.

The Court declines to exercise its discretion to appoint counsel because Plaintiff's case is not exceptionally complex, and Plaintiff does not appear to be impaired in a way that prevents him from prosecuting his own case adequately.

The Court notes Plaintiff is not without options for retaining counsel. Moreover, Plaintiff may be able to acquire legal services for free from one of a number of Legal Aid organizations in Michigan.

Plaintiff's Motion For Appointment of Counsel is DENIED without prejudice.

IT IS SO ORDERED.

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: March 26, 2007

s/ Mona K. Majzoub
MONA K. MAJZOUB
United States Magistrate Judge

PROOF OF SERVICE

I hereby certify that a copy of this order was served upon Lovell Simms and Counsel of Record on this date.

Dated: March 26, 2007

s/ Lisa C. Bartlett
Courtroom Deputy

